



**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF THE BOARD OF HEALTH**

**Town of Arlington**

27 Maple Street  
Arlington, Massachusetts 02476

## **KEEPING OF HENS SITE PLAN REVIEW APPLICATION**

*These guidelines are not final requirements. The Board of Health may require additional information based on the type and location of operation.*

**Plan Review Fee: \$150.00** (checks made payable to: Town of Arlington)

For office use only: Date/time application received: \_\_\_\_\_ Received by: \_\_\_\_\_  
(BOH Staff)

**APPLICANT NAME:** \_\_\_\_\_

**APPLICANT ADDRESS:** \_\_\_\_\_

**CONTACT NUMBER:** \_\_\_\_\_

**CONTACT EMAIL:** \_\_\_\_\_

<b>Keeping of Hens Application Process Summary</b>
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1. Submit this Site Plan Review Application to Health Department with check for \$150.
2. Health Department reviews application and conducts site walk.
3. After plan review and site walk, a meeting date with the Board of Health is set. The applicant will notify all abutters at least 14 days but no more than 30 days prior to the hearing, of their intent to keep hens and the BOH hearing date, time and location. Abutters shall include both owners and tenants. The applicant shall provide verification of notification in the form of a signed letter or USPS receipt that a certified letter has been received.
4. A meeting with the Board of Health is held and a decision made to approve or deny application based upon all requirements set forth in town bylaw.
5. Once approved by the Board of Health, the applicant is required to submit an Application for Annual Permit to Keep Hens to the Health Department with a check for \$100 and the applicant will be permitted to construct coop and pen.
6. A final inspection is conducted once coop and pen have been constructed and final approval to keep hens is granted.
7. An annual permit to keep hens is required through the Health Department expiring April 1st of every year. A renewal permit must be obtained. Permit holders that fail to renew their keeping of hens permit prior to April 1<sup>st</sup> are subject to a \$100 reinstatement fee.
8. An annual inspection will be conducted by the Health Department. Failure to meet requirements set forth in the town bylaws may result in a re-inspection fee of \$100 and a hearing with the Board of Health to determine whether permit should be revoked, suspended, or subject to further conditions.

**CIRCLE/ANSWER THE FOLLOWING QUESTIONS:**

Is the applicant the sole owner of the property where hens will be kept? YES/NO  
If no, please provide signed written statements from all property owners granting permission for the keeping of hens.

What is the size of the property lot in square feet? \_\_\_\_\_

**I. HENHOUSE / PEN:**

**1. Location**

- a. Will the henhouse/pen enclosure be in the rear yard of the property? YES/NO
- b. Will the henhouse/pen enclosure be at least six (6) feet from all property lines? YES/NO
- c. Will the henhouse/pen enclosure be at least 25 feet from existing residences on adjacent lots? YES/NO
- d. Will the henhouse/pen enclosure be located at least 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and at least 50 feet from any well? YES/NO
- e. Will the henhouse/pen enclosure conform to all relevant property setbacks for accessory structures as specified in sections 6.18 and 8.23 of the zoning bylaws? YES/NO
- f. Will the henhouse/pen enclosure interfere with any utility or other feature of the property that needs suitable access? YES/NO
- g. Will the henhouse/pen enclosure be located in a well-drained area that does not discharge to a public way or neighbor's property? YES/NO
- h. Please provide a certified plot plan depicting all of the following: all structures on property, all structures on abutting properties, and proposed locations of the henhouse/pen enclosure, composting/manure storage and food storage.

**2. Construction**

- a. Will the henhouse enclosure provide a minimum interior floor surface of at least two (2) square feet per bird? YES/NO
- b. Will the pen enclosure provide a minimum ground surface of at least five (5) square feet per bird? YES/NO
- c. Will the henhouse/pen enclosure be securely constructed in a manner that excludes predators and pests, including those that fly, burrow and reach? YES/NO

- d. Will the pen enclosure have a predator and pest proof material across the top? YES/NO
- e. Will the henhouse provide protection from the elements as needed? YES/NO
- f. Will the henhouse be constructed in such a manner and with such materials that allow for effective weekly cleaning? YES/NO
- g. Please provide a separate detailed description of the henhouse/ pen enclosure, including square footages and photographs if possible.

### 3. **Maintenance**

- a. Will the feed be securely stored in a rodent and pest proof container? YES/NO
- b. Will the feed leftover from feeding remain in an area accessible to rodents and pests past dusk? YES/NO
- c. If weather is too cold, or composting is otherwise not possible, will there be a sealable container for waste to be stored until disposal? YES/NO
- d. If composting is possible, how and where will waste be composted with carbonaceous material such as hay, bedding, or leaves? Please identify composting/ manure storage location on required certified plot plan.

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- e. What measures will be taken to prevent the buildup of pests or rodent populations due to the presence of hens on the property?

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- f. Please provide a separate detailed written maintenance plan describing the following: cleaning practices and schedule for the henhouse/pen enclosure and feed and water containers, which anti-bacterial/viral cleaning solution will be used, which bedding material will be used in the henhouse and at which depth it will be provided, how frequently the bedding material will be composted, and any other appropriate nuisance (odor & noise) prevention measures that will be taken.

## **II. HENS:**

### **1. Hen keeper**

a. Will the hen keeper be taking, or has the hen keeper taken, a class in keeping hens? YES/NO  
If yes, please provide a copy of a certificate of completion from a hen-keeping course.

b. Will there be a knowledgeable person in charge to care for hens during vacations or extended leaves? YES/NO

### **2. Source**

a. What type of hens and how many hens will you be keeping?

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b. Will the hens be acquired from S. pullorum clean sources from National Poultry Improvement Plan (NPIP) participants? YES/NO

c. Where will the hens be acquired from and what documentation will be provided?

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### **3. Health & Disease Concerns**

a. Will the hens be vaccinated from any communicable diseases? YES/NO  
If yes, from what?\_\_\_\_\_

b. Will newly acquired hens be isolated from healthy resident birds? YES/NO  
If yes, where and for how long?\_\_\_\_\_

c. Will the hens be separated from wild migratory fowl at all times? YES/NO

d. What will be done with a hen if it dies?\_\_\_\_\_

**To complete this application the following materials must be provided:**

- Copy of list of property abutters obtained from Town of Arlington Assessors Office
- If applicant is not sole property owner, signed written statements from all property owners granting permission for the keeping of hens
- Plot plan drawn to scale depicting all of the following: all structures on property, all structures on abutting properties, proposed locations of the henhouse/pen enclosure, composting/manure storage and food storage, and distance of henhouse and pen from property lines and existing adjacent residences. The BOH reserves the right to require the applicant to provide a plot plan certified by a professional engineer or land surveyor to resolve any questions or disputes relating to the conformance of the placement of the henhouse and pen with any and all relevant property setbacks and zoning bylaw requirements.
- Written maintenance plan and description of henhouse/pen enclosure
- Copy of certificate of completion from a hen-keeping course if applicable
- After a BOH hearing date has been set, submit a copy of signed letter or receipt from USPS that a certified letter has been received by each abutter informing them of your application to keep hens and notifying them of the BOH hearing date, time and location. Abutters include both property owners and tenants.

I have read the town bylaws regarding the keeping of hens and understand the requirements as outlined. I understand failure to comply with the requirements of the town bylaws and failure to prevent a public health nuisance may result in revocation of my Permit to Keep Hens.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

-----Office use only-----

Board of Health Meeting Date Assigned: \_\_\_\_\_

## **ARTICLE 8: KEEPING OF HENS/POULTRY**

(ART.12, ATM – 05/06/09)

### **SECTION 1. Purpose**

a. The purpose of this bylaw is to regulate the keeping of hens for the purposes of pets, home egg production, gardening, or similar purposes. This bylaw details the obligations of the hen keeper so as to prevent a nuisance to surrounding lots or any public health concerns, as well as the permit issuing process.

### **SECTION 2. Definitions**

- a. Hen – a female chicken. “Chicken” may also be used to refer to hens.
- b. Henhouse or coop – a structure designed to house chickens.
- c. Pen or run – a completely enclosed outdoor area designed to allow chickens access to the outdoors while providing protection from predators.
- d. Predator – any creature that would seek to harm or consume chickens.
- e. Pests – any unwanted animal that would seek access to chicken feed, such as mice or rats.

### **SECTION 3. Nuisance Control**

- a. Noise.
  - i. No roosters (male chickens) are permitted.
  - ii. The number of hens shall be limited to 6.
  - iii. Perceptible noise from chickens at the property boundary must conform to all existing noise bylaws.
- b. Odor.
  - i. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
  - ii. If possible, waste must be composted with carbonaceous material such as hay, bedding, or leaves. If the weather is too cold, or composting is otherwise not possible, waste must be stored in a sealed container until disposal.
  - iii. Weekly cleaning of henhouses is required, more frequent cleanings may be required as needed to prevent odor.
  - iv. The henhouse and attached pen must conform to all relevant property setbacks for accessory structures as specified in sections 6.18 and 8.23 of the zoning bylaws.
- c. Other
  - i. All chickens shall be confined to the permit holder’s property at all times to prevent wandering and straying onto other properties.

### **SECTION 4. Predator and Pest Control.**

- a. Chicken feed must be stored securely in a rodent-proof container.
- b. Chicken feed leftover from feeding may not remain past dusk in an area accessible to rodents or other pests.
- c. Henhouse construction
  - i. Henhouse and attached pen must be constructed securely so as to exclude predators.

- ii. The pen must be completely enclosed, including aviary netting or other predator-proof material across the top of the pen.
  - iii. Henhouse and food sources must be constructed and stored so as to exclude pests.
- d. Necessary measures must be taken to prevent a buildup of pest or rodent populations due to the presence of hens on the property.

#### **SECTION 5. Health & Disease Concerns**

- a. Hens must be enclosed and segregated from wild migratory fowl. They may only be allowed out of the enclosure into a securely fenced area when supervised.
- b. All henhouses shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and not less than 50 feet from any well.
- c. The Board of Health or its agent may order the removal of the chickens upon a determination that the chickens pose a health risk.
- d. Chickens may not be slaughtered on a residential property within the border of the Town of Arlington
- e. If a chicken dies, it must be disposed of promptly in a sanitary manner.

#### **SECTION 6. Humane Treatment**

- a. Chickens must be treated in a humane manner at all times, including access to fresh food, water and protection from the elements as needed.
- b. Chickens shall not be subject to debeaking or forced moulting.
- c. The henhouse must have a minimum interior floor surface of at least 2 square feet per bird.
- d. A pen area is required and must have a minimum ground surface of at least 5 square feet per bird.

#### **SECTION 7. Regulation and Permit Process**

- a. No person shall keep hens within the limits of the Town of Arlington, in any building, or on any premises of which he is the owner, lessee, tenant or occupant, without first obtaining an annual permit from the Board of Health.
- b. In order to receive a permit the following must be completed:
  - i. A completed application form provided by the Board of Health;
  - ii. A submitted plan drawn to scale which includes the following information: Size of entire lot with existing structures as well as the henhouse and pen, including fences; distance of henhouse and pen from all abutters;
  - iii. A submitted written maintenance plan describing cleaning schedule, pest and predator control measures, and nuisance prevention measures.
  - iv. Verification that all abutters have been notified, not more than thirty (30) but no less than fourteen (14) days in advance of the hearing before the Board or its Agent, of the applicant's intent. Such verification shall be in the form of a signed letter or receipt from the U.S. Post Office that a certified letter has been received by each abutter.
  - v. If the property where the hens are to be located is owned by multiple owners, written statements signed by all property owners granting permission.

c. Action by Health Department on Initial Permit

i. Upon receipt of a completed application as defined above, the Board or its Agent shall inspect the property;

ii. The Board or its Agent shall provide a hearing for the applicant to speak regarding their application, and for abutters to express any concerns, questions, support or opposition to the application. The Board or its Agent may require the applicant to furnish additional information needed to make a determination whether to grant the permit.

iii. The Board or its Agent(s) shall act on the completed application. Notice of the Board's or its Agent(s)' decision shall be mailed to the applicant within seven (7) working days of the decision and will include any conditions imposed by the Board or its Agent(s);

iv. If the permit is issued, it shall be issued to the owner of the property or the tenant of the property with the written permission of the property owners. If permission from the property owners is rescinded, the permit shall be valid until the end of its annual renewal period; and

v. The issuance of such permit does not in any way relieve the permittee of the necessity to comply with other laws and regulations concerning zoning and construction. A henhouse and attached pen is considered an accessory structure similar to a greenhouse for zoning purposes.

d. An initial inspection fee or an annual renewal fee for a permit shall be set by the Town Manager in consultation with the Board of Health. The appropriate fee shall be paid at the time the application is submitted for review. The fee shall not exceed the expected cost of processing the application.

e. Fines may be charged for re-inspection or violations of this article, to cover the cost of any personnel time or expense. The amount of any fines may be set by the Board of Health; the amount of such fines shall be publicly known in a manner that is customary and consistent with other Board of Health processes.

f. Any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer to revoke the permit, and remove the chickens and the chicken-related structures.